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Yes	No
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Court	ProSe

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CV 07

5618

KEVIN BURTON
Plaintiff
Vs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PJH
(PR)

CALIFORNIA Department of Corrections AND
Rehabilitation CDCR, Director CDCR, Mike Evans,
Warden, Salinas Valley State Prison, Lt. Krenke,
Sergeant Ramirez, Sergeant Bruncato, Sergeant
O'Keene, Correctional Officer %Carmasco, %Silva,
%Contreras, %Philmon, %Wilson, %Horrence,
%Perez, %Garcia, %Graywald, %Goodhome,
Medical Technical Assistant (MTA)
MTA CAUNTAY, MTA GARCIA, MTA Ziegler,
MTA MOSS. Does 1-50

'07CV 1870 W

RBB

Civil No.

Request FOR APPOINTMENT OF
COUNSEL UNDER THE CIVIL RIGHTS
ACT OF 1964, 42 U.S.C. 2000e 5
(f)(1); DECLARATION IN SUPPORT
OF REQUEST

KEVIN BURTON,

I, the plaintiff in the Above-entitled action, request that the
court appoint an attorney to represent me in this matter.
In support of this request, I state as follows:

A. my claim is meritorious.

B. I HAVE made a reasonably diligent effort to obtain
counsel

C. I am unable to find an attorney willing to represent
me. (Indigent)

1 IF YOUR ANSWER IS "YES," YOU MUST ATTACH A COPY OF THE
2 COMMISSION'S INVESTIGATIVE FILE TO THIS REQUEST AND ANSWER QUESTIONS B
3 AND C.

4 B. Do you question the correctness of the Commission's "no reasonable cause"
5 determination?

6 ☐ Yes ☒ No

7 C. If you answered "yes" to question 3B, what are your reasons for questioning the
8 Commission's determination? Be specific and support your objections with fact. Do not simply
9 repeat the allegations made in your complaint; the court will review your complaint in considering this
10 request for counsel.

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28 (Attach additional sheets as needed)

4. Have you talked with any attorney about handling your claim?

☒ Yes ☐ No

If "YES," give the following information about each attorney with whom you talked:

Attorney: naumann·Levine· Silldorf 8910 UNIVERSITY center LN # STE 600

When: July 26, 2007 / SAN Diego, CA 92122

Where: from SAN Diego Central Jail

How (by telephone, in person, etc.): Correspondence

Why attorney was not employed to handle your claim: "NOT feasible" asked under
contingency fee Indigent.

Attorney: LAFAVE & Rice 2333 First AV. STE 201 SAN Diego, CA 92101

When: July 27, 2007

Where: from SAN Diego Central

How (by telephone, in person, etc.): Correspondence

Why attorney was not employed to handle your claim:

Business decision

Attorney: Alan Pinkerton 101 Broadway SAN Diego, CA 92101

When: July 11, 2007

Where: from SAN Diego Central Jail

How (by telephone, in person, etc.): Correspondence

Why attorney was not employed to handle your claim:

No Response

(Attach additional sheets as needed)

4.

Attorney Sergio FERIA, July 26, 2007 (225 Broadway
SAN Diego, CA 92101)
from San Diego central Jail, Correspondence
No Response

Attorney's CASEY, Gerry, Schenk, Francavilla. July 27, 2007
from San Diego central Jail Correspondence {101 laurel st
SAN Diego, CA
92101}
No Response

Pacific Law Center July 13, 2007 {333 H ST
from SAN Diego central Jail Correspondence CHULA Vista CA,
91910
No Response

Attorney Mary. Franklin July 8, 2007 1168 Union St
from San Diego central Jail Correspondence SAN Diego, CA Ste 101
92101
No Response

Attorney Thomas Friedberg July 19, 2007 P.O. Box 6814
From SAN Diego central Jail Correspondence 610 WASH ST
SAN Diego, CA
92166 Ste 1400
No Response

Attorney Irwin Zalkin July 19, 2007 12555 High Bluff Dr
from San Diego central Jail Correspondence SAN Diego, CA
Ste 260 92130
No Response

Attorney Len Simon July 24, 2007 655 Broadway
from San Diego central Jail Correspondence SAN Diego, CA Ste 1400
92101
No Response

4.

Attorney John Schroeder
 From San Diego central Jail

July 24, 2007

Correspondence
 No Response

1775 #285
 HANCOCK ST
 SAN DIEGO, CA
 92110

Attorney Larry Eisenberg
 From SAN Diego central Jail

July 31, 2007

Correspondence
 No Response

8105 IRVINE
 CT OR. #560
 IRVINE, CA
 92618

Law Office Pettit Kohn

Aug 3, 2007

From San Diego central Jail

Correspondence
 No Response

12250 EL CAMINO REAL
 STE 350
 SAN DIEGO, CA
 92130

LAFAVE & RICE

ATTORNEYS AT LAW

2333 FIRST AVENUE

SUITE 201

SAN DIEGO, CALIFORNIA 92101-1520

TELEPHONE (619) 525-3918

FACSIMILE (619) 233-5089

July 27, 2007

JEFFREY F. LAFAVE
jlafave@lafaverice.com

JOHN J. RICE
jrice@lafaverice.com

PAUL C. BERNER
pberner@lafaverice.com

MONICA M. GRADY
LEGAL ASSISTANT
mgrady@lafaverice.com

JULIE LOPICCOLO
LEGAL ASSISTANT
jlopiccolo@lafaverice.com

Kevin Burton
#7714278
San Diego Central Jail
1173 Front Street
San Diego, CA 92101

Re: Potential case

Dear Mr. Burton:

Thank you for contacting our office regarding your potential case. Unfortunately, we are not in a position to take on your case. Please understand that our decision is not a reflection on the merits of your case, rather it is simply a business decision on our part.

Please be aware that there are limitations of time that must be met under the law. These are called statutes of limitations. They may be as short as six months for claims against government entities and as long as four years on contract claims. As we are not your counsel, we cannot offer any advice as to what the applicable statute of limitations might be in your matter, as that is something your retained attorney would do. We encourage you to act to protect your rights.

We encourage you to continue to seek counsel. You might try contacting the San Diego County Bar Association referral line to get additional referrals.

We certainly wish you the best.

Sincerely,



John J. Rice
LAFAVE & RICE



THE AVENTINE
8910 UNIVERSITY CENTER LANE
SUITE 600
SAN DIEGO, CA 92122
TELEPHONE 858.625.3900
1.800.811.5874
FACSIMILE 858.625.3901
WEB NLS-LAWYERS.COM

July 26, 2007

Mr. Kevin Burton
#7714278
San Diego Central Jail
1173 Front Street
San Diego, CA 92101

Re: Potential Claim

Dear Mr. Burton:

After careful review and consideration, we have concluded that it is not feasible for this law firm to represent you regarding the above matter. This letter is not intended to be an opinion concerning the merits of your case. We are not expressing an opinion as to whether you should take further action in this matter. We are merely indicating that we will be unable to represent you.

You should IMMEDIATELY contact another attorney to obtain legal representation. You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. These time limits are complex and vary for different types of legal actions. We recommend that you contact the free San Diego County Lawyer Referral and Information Service at 1-800-464-1529 to find representation in this matter.

YOU SHOULD ACT IMMEDIATELY IF YOU WISH TO PURSUE THIS MATTER. FAILURE TO FILE A LAWSUIT WITHIN THE REQUISITE TIME MAY MEAN THAT YOU COULD BE BARRED FOREVER FROM PURSUING YOUR ACTION.

We regret that we could not take your case. We wish you good luck in pursuing the matter with other counsel.

Very truly yours,

NAUMANN, LEVINE & SILLDORF, LLP

CaseyGerry

CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

110 Laurel Street, San Diego, CA 92101-1419
Tel (619) 238-1811 Fax (619) 544-9232

August 16, 2007

David S. Casey, Jr.
Frederick Schenk
Robert J. Francavilla
Gayle M. Blatt
Thomas D. Penfield
Thomas D. Luneau
Jeremy K. Robinson
Wendy M. Behan

of Counsel
T. Michael Reed
Scott C. Cummins
Mitchel Olson MD, JD

Richard Westbrook
1944-1982

David S. Casey, Sr.
1913-2003

President,
California State Bar, 1975

Richard F. Gerry
1924-2004
President,
Association of Trial Lawyers
of America, 1982

North County Office
(760) 743-8448

Kevin Burton, #7714278
San Diego Central Jail
1173 Front Street
San Diego, CA 92101

Re: Claim for Personal Injuries
DOI: January 2005

Dear Mr. Burton:

Thank you for contacting our firm to discuss the possibility of our providing you with legal representation for injuries you suffered in January 2005 while in custody. We have received your hand-written letter dated July 27, 2007. Unfortunately, this matter falls outside the practice areas of our firm. We do, however, appreciate your correspondence.

Sincerely yours,


DAVID S. CASEY, JR.

DSCJ:lb

Cases\Pending\Closing.Ltr\BurtonKevinDSCJ

5. Explain any other efforts you have made to contact an attorney to handle your claim:

Indigent, All efforts Correspondence

6. Give any other information which supports your application for the court to appoint an attorney for you: I'm a layman of the Law, Ignorant to Law, can read and write.

7. Give the name and address of each attorney who has represented you in the last 10 years for any purpose:

1. MICHAEL BEGOVICH Office of Public Defender
233 A St
San Diego, CA 92101
2. FRANK BARONE
Office of Public Defender
233 A St
SAN Diego, CA 92101
3. SANDERS & ASSOCIATES
3960 Industrial Biv. Ste 100
SACRAMENTO, CA 95691

(Attach additional sheets as needed)

8. I cannot afford to obtain a private attorney. The details of my financial situation are listed below: NONE

A. Employment

Are you employed now? ___ yes ___ no ___ am self-employed

Name and address of employer: NONE

1 If employed, how much do you earn per month? 0

2 If not employed, give month and year of last employment: June 1998

3 How much did you earn per month in your last employment? \$5.25

4 If married, is your spouse employed? ___ yes ___ no Not married

5 If "YES," how much does your spouse earn per month? N/A

6 If you are a minor under age 21, what is your parents' or guardians' approximate monthly
7 income? _____

8
9 B. Assets

10 (i) Other Income

11 Have you received within the past 12 months any income from a business, profession or other
12 form of self-employment, or in the form of rent payments, interest, dividends, retirement of annuity
13 payments or other sources? ___ yes ___ no

14 If "YES," give the amount received and identify the sources:

15 \$ Received

Source

16 0

0

27
28 (Attach additional sheets as necessary)

(ii) CashHave you any cash on hand or money in savings or checking accounts? ___ yes ___ noIf "YES," state total amount: 0(iii) PropertyDo you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ___ yes ___ no

If "YES," give value and describe it:

<u>Value</u>	<u>Description</u>
NONE	N/A

C. Obligations and Debts(i) DependentsYour marital state is: ___ single ___ married ___ widowed, separated or divorced.Your total number of dependents is: 0List those person you actually support, your relationship to them, and your monthly contribution to their support: NONE

<u>Name/Relationship</u>	<u>Monthly Support Payment</u>
NONE	NONE

(ii) Debts and Monthly Bills

List all creditors, including banks, loan companies and charge accounts, etc.

Creditor

Total Debt

Monthly Payment

Rent: NONE

Mortgage

on Home: NONE

Others:

9. Signature Kevin Burton

I declare under penalty of perjury that the above is true and correct.

Dated: AUG 12, 2007

Kevin Burton

Signature

(Notarization is not required)